IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13327 of 2004

Between:

A. Majeed Khan, S/o. Sardar Khan,
E.No. 2117521670, Risala Bazar,

Bollaram, Secunderabad.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C.,

Picket Depot, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Proc.No. M1/1(7)/2003-PKT Dt. 11-06-2004 issued by the Respondent in deleting the name of the petitioner from the Approved Selection list with immediate effect by way of punishment as arbitrary, illegal, unjust, contrary to law, in violation of principles of nature justice, without jurisdiction contrary to Regulations of the Corporation and also in violation of Articles 14 and 21 of the Constitution of India and consequently set-aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.K.HARINATH (SC FOR APSRTC)

The Court made the following:

ORAL ORDER:

The petitioner worked as a daily wage driver in the respondent-Corporation. An enquiry was initiated against him for his periodical unauthorized absence and a report dated 14-01-2004, was submitted by the enquiry officer in this regard. Even after enquiry was conducted, the petitioner remained absent for duty till 5-5-2004, therefore, the respondent-Corporation passed the impugned order
dated 11-06-2004, deleting the name of the petitioner from the approved list of Casual Drivers.

The learned Counsel for the petitioner submitted that the respondent without conducting any enquiry resorted to delete the name of the petitioner from the approved list of casual drivers. Therefore, the said impugned order dated 11-06-2004, is not sustainable under law. The petitioner therefore, approached this Court seeking a writ of Mandamus to quash the impugned order
dated 11-6-2004, passed by the respondent-corporation and to direct the respondent to continue the name of the petitioner in the approved list of casual drivers.

The perusal of the material available on record reveals that the petitioner has been working in the respondent-Corporation from 13-2-2003. Had there been any misconduct on the part of the petitioner by way of unauthorized absence, the respondent ought to have conducted an enquiry by giving an opportunity to the petitioner and pass appropriate orders. Had the impugned order been passed in pursuance of the enquiry report dated 14-1-2004, the position would have been different. Since, the respondent resorted to delete the name of the petitioner from the

approved list of casual drivers by disengaging him from service directly without conducting any enquiry, the said deletion cannot be sustained.

In the light of the above circumstances, the impugned order dated 11-6-2004 is set aside. The respondent-Corporation is directed to restore the name of the petitioner in the approved list of casual drivers and continue to avail his services as and when required. However, this order will not preclude the respondent-corporation from conducting any enquiry as per the regulations against the petitioner after giving opportunity to him and passing appropriate orders according to law.

The writ petition is accordingly allowed. No costs.

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02-08-2004

es/mjl

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, A.P.S.R.T.C., Picket Depot, Secunderabad.

2. 2 CD copies.